

## REMARKS

Claims 1-36 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. §121 as follows:

Group I: Claims 1-27 and 34-36 drawn to a vascular filter system;

Group II: Claim 28 drawn to a method for capturing embolic material in a vessel; and

Group III: Claims 29-33 drawn to vascular filter system in a vessel.

The restriction requirement is traversed. The fact that the Patent Office classifies Claims 1-27, 34-46, Claim 28 and Claims 29-33 in different parts of its classification system does not show that these three groups of claims have acquired a separate status in the art. The classification system developed by the Patent Office has over 100,000 different categories and is intended to help Examiners and other individuals find references relatively quickly; not to show whether particular subjects are considered to be separate by those in the art. The classification system of the Patent Office is constantly being changed, clearly showing that it is not a good basis for making a permanent decision about whether three groups of claims should be divided among three separate patent applications. Accordingly, Applicants provisionally elect the subject matter of Group I, Claims 1-27 and 34-36.

Claims 1-36 are also subject to a species restriction requirement. The Examiner contends that the present application contains claims directed to the following patentably distinct species of the claimed invention. Species 1, as shown in Figures 1-4a, b; Species 2, as shown in Figures 5a-d; Species 3, as shown in Figures 6a-c; Species 4, as shown in Figures 7a-c; Species 5, as shown in Figures 8a-f; and Species 6, as shown in Figures 9a-d.

Applicants provisionally elect Species 1, which read upon Claims 1-16, 27 and 34-36.

Hence, it is respectfully urged that the Examiner reconsider and withdraw the requirement for restriction and provide an action on the merits with respect to all of the claims.

Respectfully submitted,



---

Carl J. Evens  
Reg. No.: 33,874  
Attorney for Applicant

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2518